

# LWDA 5 Transitional Local Plan

## **Introduction**

The Transitional Regional Plan for Local Workforce Development Areas (LWDA) 1, 2, 3, 4, and 5 was submitted to the Tennessee Department of Labor and Workforce Development (TDLWD) on March 1, 2017. The Transitional Local Plan for LWDA 5, which is subsumed under the Transitional Regional Plan, is submitted in order to fulfill the requirements of and to comply with WIOA.

LWDA 5 is market responsive to business and industry needs and directs investments in economic, education, and workforce training programs that lead to relevant, in-demand credentials for the workforce. The credential recipients, in turn, will be more competitive in the job market and will provide employers with the skilled labor.

The most recent investments in LWDA 5 were derived from both the LEAP 1.0 and 2.0 grants. Continued investments with WIOA funds target Adult, Dislocated Workers and Youth through WIOA funding from TDLWD.

Business and industry are the driving forces that guide the workforce training and development strategies in LWDA 5. Strong partnerships and synergies with secondary schools, CTE Directors, businesses and industries, postsecondary educators and other workforce partners and stakeholders facilitate the alignment of education, training and employment.

## **Attachment A**

### **A-1: Describe the consortium agreements in place between the local board and the TN Department of Human Services, Office of Rehabilitation Services**

The Consortium Agreement as defined by WIOA 107(d)(11) demonstrates efforts that will enhance the provision of services to individuals with disabilities and other individuals. Efforts include cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination. The signed Agreement can be found in Attachment 1.

### **A-2: Identify the entity responsible for the disbursement of grant funds**

The LWDB in Area 5 designates the Southeast Tennessee Development District (SETD) as the Fiscal Agent responsible for the disbursement of grant funds. This entity will provide staff to assist in carrying out allowable functions of local board including, but not limited to, planning, contracting, and monitoring functions. It is also requested of the Governor that this entity be designated as the deliverer of Career Services. This entity will disburse these funds for workforce development activities at the direction of the

Local Workforce Development Board with the concurrence of the Chief Local Elected official.

**A-3: Describe the competitive and non-competitive processes, as well as the process for sole-sourcing, used for procuring goods and services within the local area**

The LWDB Area 5 is in compliance with federal and state procurement regulations and policies. The Board has designated SETD as the Fiscal Agent. The Board procures property, goods and services through its Fiscal Agent, SETD and adheres to its Purchasing and Procurement Procedures Policy with specific instructions for procurement for WIOA-related acquisitions of property. SETD also complies with the TDLWD Purchasing and Procurement Policy. Each policy addresses the types of property for which accountability must be maintained, the acquisition of property process, the transfer of property between locations, the disposition of property and the tracking and maintenance of property where applicable. Specific instructions are also present for items purchased with a total cost of \$5,000.00 or more including freight and set up costs and the requirements for including the assets in the agency’s inventory. The following table indicates the process for competitive procurement:

Timeline	
RFP Release	Insert date
Notice of Intent to Apply (REQUIRED)	Insert date
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LWDB Approval	Insert date
Anticipated contract Start Date	Insert date

Requests for Proposals (RFPs) are submitted by the Board staff (SETD) and the process of which is in compliance with the policies previously noted. The Board:

- Maintains a bidders list
- Posts a Public Notice prior to posting the RFP
- Approves all language and content in all RFPs

Non-competitive and Sole Sourcing process is used rarely and is a non-preferred method of contracting or purchasing. Generally, sole sourcing (non-competitive procurement) is only utilized when three bids are required for competitive procurement, but only one provider is present or one bid is received. A written explanation of the sole sourcing event is provided. Every sole source justification must contain a valid

justification for not utilizing a full and competitive process. Valid justifications may include: 1) unavailability of competing products or services (uniqueness); 2) extensive existing investment in a certain product or service that requires the ordering of replacement components from the same source; or 3) due to very irregular circumstances, time does not permit a full and competitive process. Procurement Policy may be found in Attachment 2.

#### **A-4: Describe the local area's negotiated local levels of performance for the federal measures and their implications upon the local workforce system**

LWDA 5 negotiates annually with the TDLWD regarding performance levels and measures.

LWDA 5 has reviewed the current and past negotiated goals, current and past performance, and other information in order to propose the goals for WIOA programs.

The primary focus of WIOA is to serve participants who are hardest to serve and who have barriers to employment. Despite higher performance in previous years, it is Area 5's expectation that the performance will decrease based on the population being served—hardest to serve with barriers to employment. Currently, staffs are primarily serving individuals who meet eligibility for priority categories 1, 2, and 3, as well as those who meet the WIOA definition of individuals with barriers to employment.

LWDA 5 staff work very hard to meet and exceed all performance targets. Administrative staff track and closely monitor the performance points of all program participants. The in-house data that is recorded assists in making the best possible decisions as it relates to customer service, training and support policies, internal processes, and all other aspects of quality program delivery of services.

LWDA 5 has requested the following performance goals for Program Year 2016:

The proposed targets for Entered Employment are based on the Tennessee Department of Labor and Workforce Development's Negotiated Targets Program Year 2016. Employment verification is determined by use of supplemental data during the second quarter after exit. Based on the data collected, LWDA 5 will strive to achieve 80% Entered Employment for Adults and 83% Entered Employment for Dislocated Workers.

The proposed targets for Retention are based on the Tennessee Department of Labor and Workforce Development's Negotiated Targets Program Year 2016. LWDA 5 will strive to achieve 75% Retention for Adults and 79% Retention for Dislocated Workers.

The proposed targets for Earnings are based on the Tennessee Department of Labor and Workforce Development's Negotiated Targets Program Year 2016. LWDA 5 will strive to achieve \$6,500 for Adult Earnings and \$7,100 for Dislocated Workers Earnings.

The proposed targets for Credential Attainment within four quarters after exit are based on the Tennessee Department of Labor and Workforce Development's Negotiated Targets Program Year 2016. LWDA 5 will strive to achieve 72.5% Credential Attainment Rate for Adults and 76.5% for DW.

The proposed targets for Youth Attainment and Placement are based on the Tennessee Department of Labor and Workforce Development's Negotiated Targets Program Year 2016. LWDA 5 will strive to achieve 76.0% Placement and 78.0% Attainment for these measures.

The proposed targets for Retention are based on are based on the Tennessee Department of Labor and Workforce Development's Negotiated Targets Program Year 2016. LWDA 5 will strive to achieve 78.5% attainment for this measure.

The chart, labeled LWDA 5 Negotiated Performance Targets PY16, provides the performance measure goals and can be found in Attachment 3.

**A-5: Describe the indicators used by the local board to measure performance and effectiveness of the local fiscal agent, eligible providers and the AJC delivery system in the local area**

One indicator for fiscal performance is the formal, quarterly financial report presented and disseminated at each Board meeting. Performance measure outcomes are state-derived via VOS and are reported to the Board and the State Workforce Development Board. Eligible training providers are now held accountable for training and training-related job placements. The AJC system is now required to be certified. The certification process and criteria contain a myriad of indicators to evaluate performance measures and outcomes. The state may refer to the AJC Self-Assessment to identify the indicators and performance criteria. Further, the state and local board assess performance annually. The Fiscal Agent and Career Services Provider, SETD, has an annual audit of its finances for all programs in the agency (see Attachment 4)

**A-6: Describe the process used by the local board for the receipt and consideration of input into the development of the local plan in compliance with WIOA section 108(d); describe the process to provide an opportunity for public comment prior to submission of the local plan and how representatives of business, labor organizations and education are given an opportunity to provide comments on the local plans.**

LWDB in Area 5 submits a local plan in compliance with WIOA section 108(d). Prior to the date on which the local board submits a local plan, it is expeditious to bring the plan before the Board of Directors for SETD, which is comprised of the Chief Elected Officials

of LWDA 5. The Board of Directors convenes a meeting with the LWDB at least once per year. The Board reviews the components of the plan with the LWDB, makes suggestions, if any, and approves the plan for submission. A public notice is then posted in the regional newspapers announcing the date on which the local plan will be posted and includes a request for comments regarding the content of the plan within a minimum of a 30-day period. On the plan posting date, a digital copy (PDF) is made available to the public and posted at the website [www.secareercenter.org](http://www.secareercenter.org).

In order to reach out to representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, the Board of Directors and LWDB Area 5 are requested to disseminate the local plan information (i.e., posting date, website, etc.) to constituents and local businesses and industries. Both Boards' staffs send an email to the Board members as a reminder and the email includes a link to the electronic document. The board's staff sends an email with the link to regional employers, labor organizations and educators. The submission of the plan includes any comments including comments that may disagree or agree with the plan.

**A-7: Prior to the date on which the local board submits a proposed local plan, the proposed local plan must be made available to members of the public through electronic and other means**

The following table succinctly summarizes the process for this section:

Project Timeframe

Board Approval of Local Plan	Insert date
Public Notice announcing posting date and requesting comments to be sent to a Board staff email recipient	Insert date
Post electronic document on the website for a minimum of 30 days; physical document available	Insert date
Remove electronic posting of document on website	Insert date
Review comments and include with the local plan	Insert date
Submit the local plan to the TN State Workforce Development Board	Insert date
Anticipated contract Start Date	Insert date

**A-8: List the name, organization, and contact information of the designated Equal Opportunity Officer for each AJC partner in the AJC within the local area. The nine elements are listed below and the partners**

**attest to ensuring the compliance components/documents listed are in place an effective prior to July 1, 2016 (Note: All nine boxes for each element are darkened to indicate compliance.)**

EEO Name	Organization	Email	Phone
Amber Akins	SETD	<a href="mailto:aakins@sedev.org">aakins@sedev.org</a>	423-424-4233
Evelyn Gaines-Guzman	TDLWD	<a href="mailto:Evelyn.Gaines.Guzman@tn.gov">Evelyn.Gaines.Guzman@tn.gov</a>	615-253-1331
Darlene Stringfellow	TDHS	<a href="mailto:Darlene.stringfellow@tn.gov">Darlene.stringfellow@tn.gov</a>	615-313-5550

- Element One: Designation of State and Local Level Equal Opportunity Officers;
- Element Two: Notice and Communication;
- Element Three: Review Assurances, Job Training Plans, Contracts, Policies and Procedures;
- Element Four: Universal Access;
- Element Five: Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29CFR Part 37;
- Element Six: Data and Information Collection and Maintenance;
- Element Seven: Monitoring Recipients for Compliance;
- Element Eight: Complaint Processing Procedures; and
- Element Nine: Corrective Actions/Sanctions.

**A-9 – 14: All agreements can be found in the Attachment 5.**

**A-15: Local WorkForce Development Board Policy and process that provides for nomination, appointment and removal of board members; resolutions, bylaws; code of conduct and conflict of interest**

Officers of the Board shall consist of Chairperson, Vice Chairperson and Secretary/Treasurer. Each officer shall serve for a two-year term. Every second year, the Chairperson shall appoint a Nominating Committee prior to the annual meeting to recommend a slate of officers for board election. Nominations may also be accepted from the floor. The Nominating Committee must be composed of no fewer than three members all representative of the private sector. If agreeable to the Officer, and if recommended by the Nominating Committee and affirmed by full Board, a progression through the various officer positions shall begin with the Secretary/Treasurer, then Vice Chairperson, then Chairperson.

The Lead Chief Elected Official shall appoint the members of the Board. In accordance with Section 107 (c) (1) (A) of the Act and the LWDA 5 Chief Elected Officials Agreement, the nominations of potential Board members coming from the various counties comprising the local workforce area shall be recommended by the appropriate nominating entity and in concurrence with the chief elected officials from those counties (County Mayors). The Board must be chaired by a business representative selected from the members of the private sector.

In its discretion, the Board, by the vote of a majority of the entire Board, may leave unfilled for any such period as it may fix by resolution any office except that of Chairperson and Secretary/Treasurer. Notwithstanding anything contained herein to the contrary, any officer shall be subject to removal at any time with or without cause by the affirmative vote of a majority of the entire Board of Directors.

All Board members shall sign the LWDA 5 Conflict of Interest Statement and adhere to all requirements as outlined. The Secretary/Treasurer of the Board, shall review the disclosure information and advise the Local Board Chair and appropriate members of potential conflicts. It is the responsibility of the Board to monitor for potential conflicts of interest and bring it to the attention of the Board.

The complete Bylaws document, which contains the information noted above, and additional detail may be obtained upon request (see Attachment 6).

**A-16: Financial management policy and process including cost allocation plan; internal controls; cash management; receipt of goods; cost reimbursement; audit requirements and resolution; annual report; property management; debt collection; and allowable cost**

Due to the volume of information found in the 2016 SETDD/CARCOG Audit Report, the Contract Balance Management Spreadsheet, Cost Allocation Plan, and Quarterly Financial Report, this section’s data and information may be located in Attachments 7 and 10.

**A-17: Local procurement policy**

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**A-18: Program management policy and process including equal opportunity for customers; supportive services; needs-related payments; file management; eligibility; self-sufficiency criteria; individual training accounts; layoff assistance; priority of services; grievance for eligible training providers list; transitional jobs; stipends; and training verification/refunds**

### **Equal Opportunity**

The customer cannot be discriminated against on the grounds of race, color, religion, sex, sexual orientation, national origin, age, disability, political affiliation or belief. For beneficiaries, this list includes citizenship and participation in programs funded under the Workforce Innovation & Opportunity Act (WIOA). The customer's rights are protected in admission or access to opportunity or treatment in, or employment in the administration of any WIOA-funded program or activity.

If you think you have been subjected to discrimination under a WIOA-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the recipient's Equal Opportunity Office (or the person designated for this

purpose), or you may file a complaint directly with the Director, Civil Rights Center at the U.S. Department of Labor (see addresses below).

If you are not provided with a written decision within 60 days after filing of the complaint, there is no need to wait for a decision to be issued. You may file a complaint with DCR within 30 days of the expiration of the 60-day period.

If you are dissatisfied with the recipient's resolution of your complaint, you may file a complaint with DCR. Such a complaint must be filed within 30 days of the date you received notice of the recipient's proposed solution.

Supportive Services will be provided, as appropriate, to Adults, Dislocated Workers, and Youth who are determined to be in need of such support. Supportive Services are not an entitlement and nothing in this policy shall constitute a right for any individual to receive support. Supportive Services will be considered for those WIA participants who without assistance would not be able to participate in WIA activities.

For the purposes of this policy, the term "**Self-Sufficient**" refers to:

An Adult who is employed at the time of application for WIA programs, whose earnings for the 6 month period prior to application is equal to, or exceeds, the average earnings performance measure published in the LWIA 5 negotiated performance measures for an Adult.

A Dislocated Worker who is employed at the time of application or has been employed since dislocation, whose earnings for the six month period prior to application or at any point since dislocation is equal to, or exceeds, the average earnings performance measure published in the LWIA 5 negotiated performance measures for a Dislocated Worker. Dislocation date must be within five years of the date of eligibility.

The definition of "self-sufficient" is tied to the average earnings performance measure and is subject to change on an annual basis. Such changes are not considered amendments to this policy and shall be implemented without further Board approval.

**Individual Training Account Policy:** WIOA funds shall be used to provide training services to customers – who, after an interview, evaluation, or assessment, and career planning, have been determined to: be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency; be in need of training services to obtain or retain employment that leads to economic self-sufficiency; and have the skills and qualifications to successfully participate in the selected program; who select programs directly linked to demand occupations in the local area or planning region, or in another area to which the individual is willing to commute or relocate; who are unable to obtain other grant assistance, including Federal Pell Grants or require assistance beyond the assistance made available under other grant assistance programs who are determined eligible in accordance with the LWDA 5 Priority of Service policy

Prior to being determined eligible for WIOA training funds, all WIOA customers must have a High School Diploma or a High School Equivalency Diploma and meet one of the following basic skills requirements: Training less than one year: Minimum 10<sup>th</sup> grade on TABE or CASAS in Reading, Math and Language; Training one year or greater:

**Minimum 12<sup>th</sup> grade on TABE or CASAS in Reading, Math and Language. WIOA customers currently attending a Post Secondary Institution: Minimum GPA of 3.0 on transcripts and/or official letter showing student is in good standing in the current program; WIOA Customers attending Allied Health programs: Achievement of the minimum requirements on the Nursing Entrance Test (NET), Health Occupations Basic Entrance Test (HOBET), or other equivalent industry specific entrance exam.**

**Additional detail may be found in Attachment 8.**